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Before the
Federal Communications Commission
Washington, D.C. 20554

JUN 18 2003

In the matter of)

Revision of the Commission's Rules To Ensure
Compatibility With Enhanced 911 Emergency
Calling Systems)

CC Docket No. 94-102

Request for a Limited and Temporary Rule
Waiver by Sprint Corporation)

Order

Adopted: June 12, 2003

Released: June 16, 2003

By the Commission:

I. INTRODUCTION

1. In this Order, we address a request by Sprint Corporation, on behalf of its wireless division, Sprint Spectrum, L.P., d/b/a Sprint PCS (Sprint), for a partial waiver and extension of an Enhanced 911 (E911) Phase II deadline.¹ Specifically, Sprint seeks a six-month extension of the December 31, 2002 deadline for ensuring that 100% of all new handsets activated are location-capable.² Because Sprint's request satisfies the strict standards established by the Commission for a waiver of E911 obligations, we grant the request. Under the terms of the waiver, Sprint must now ensure that 100% of all new digital handsets activated are location-capable by June 30, 2003. In granting Sprint this limited waiver, we ensure that E911 is implemented as rapidly as possible without imposing unnecessary or unreasonable costs or burdens on carriers or consumers.

II. BACKGROUND

2. Under Phase II of the Commission's wireless E911 rules, wireless carriers are required to provide the location of wireless 911 callers, a capability known as Automatic Location Identification (ALI).³ In establishing these rules, the Commission sought to be technologically and competitively neutral, allowing any location technology to be used that can comply with specified accuracy, reliability, and deployment schedule requirements.⁴ For example, handset-based location solutions must provide the

¹ *Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems*, CC Docket No. 94-102, Sprint Request for a Limited and Temporary Rule Waiver, filed December 20, 2002 (Sprint Request).

² 47 C.F.R. § 20.18(g)(1)(iv).

³ See *Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems*, CC Docket No. 94-102, Report and Order and Further Notice of Proposed Rulemaking, 11 FCC Rcd 18676 (1996) (Report and Order). For further information regarding the Commission's wireless E911 program, see <http://www.fcc.gov/911/enhanced/>.

⁴ See *Request for Waiver by Sprint Spectrum L.P. d/b/a Sprint PCS*, CC Docket 94-102, Order, 16 FCC Rcd 18330, 18331, para. 4 (2001) (*Sprint Waiver Order*).

location of wireless 911 calls with an accuracy of 50 meters for 67 percent of calls and 150 meters for 95 percent of calls.⁵ The rules also provide that carriers using a handset-based solution must meet specific benchmarks for distributing and activating handsets. These requirements include selling and activating location-capable handsets beginning no later than October 1, 2001, ensuring that 100% of new digital handsets activated are location-capable by December 31, 2002, and ensuring that 95 percent of all of the carrier's customers have location-capable handsets no later than December 31, 2005.⁶ Wireless carriers subject to the rules were directed to report their Phase II plans, including the technologies they plan to use, by November 9, 2000.⁷

3. On November 9, 2000, Sprint submitted a report indicating that it intended to use an assisted Global Position Satellite (A-GPS) ALI solution, using both handset-based and network-based technology to provide ALI service.⁸ On July 30, 2001, Sprint provided additional information on its efforts to meet Phase II rules and requested a partial waiver of those rules to permit it to deploy its A-GPS solution.⁹ On October 12, 2001, the Commission adopted orders approving, in part, individualized compliance plans for five of the six nationwide carriers, including Sprint.¹⁰ Under the terms of Sprint's individualized Phase II compliance plan, Sprint agreed that it would still be subject to the October 1, 2001 deadline to have begun selling and activating location-capable handsets and that it would still be required to ensure that 100% of new handsets activated on or after December 31, 2002 were location-capable.¹¹ Sprint also had to meet an interim activation rate of 25% by July 31, 2002.¹² The Commission additionally required the location-capable handsets to meet the Commission's accuracy standards from the date of initial deployment.¹³ With respect to network infrastructure, Sprint was required to complete its Phase II conversion of all Lucent switches by May 30, 2002 and the conversion of all Nortel switches by August 1, 2002.¹⁴

4. On December 20, 2002, Sprint filed the instant request for a six-month extension of the deadline for ensuring that 100% of new handsets activated were location-capable (or, synonymously, GPS-enabled).¹⁵ Sprint argued that an extension of the December 31, 2002 deadline was justified because

⁵ 47 C.F.R. § 20.18(h)(2).

⁶ 47 C.F.R. §§ 20.18(g)(i), (iv), (v). We note that most carriers using handset-based solutions have received waivers of these deadlines. *See, e.g., Request for Waiver by Verizon Wireless*, CC Docket No. 94-102, Order, 16 FCC Rcd 18364, 18378, para. 37 (2001) (*Verizon Waiver Order*); *Wireless E911 Phase II Implementation Plan of Nextel Communications, Inc.*, CC Docket No. 94-102, 16 FCC Rcd 18277, 18289, para. 37 (2001) (*Nextel Waiver Order*).

⁷ 47 C.F.R. § 20.18(i).

⁸ Joint Sprint PCS Phase II Implementation Report, CC Docket No. 94-102 (filed Nov. 9, 2000).

⁹ *See Sprint PCS Supplemental Phase II Implementation Report and Request for Temporary and Limited Waiver*, CC Docket No. 94-102 (filed July 30, 2001).

¹⁰ *See Sprint Waiver Order*.

¹¹ *Sprint Waiver Order*, 16 FCC Rcd at 18330, para. 1.

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ Sprint Request. In conformity with Sprint's reporting requirements, Sprint had previously advised the Commission in its Quarterly Reports that it was unlikely to reach the 100% GPS activation rate by December 31, 2002. *See Sprint Quarterly E911 Implementation Report*, CC Docket No. 94-102, at 17-18 (filed Aug. 1, 2002) (Third Quarterly Report) ("[T]here appears to be a significant likelihood that [Sprint] will be unable to reach 100% penetration by the end of 2002. . . . Unless demand for services continues to weaken, Sprint anticipates being able to reach the 100% level by the end of the first quarter of 2003."); *Sprint Quarterly E911 Implementation Report*, CC (continued....)

of a sudden and unexpected drop in the sales of new handsets.¹⁶ As a consequence of this unexpected downturn in phone sales, both Sprint and its distributors had not cleared out their inventory of non-GPS-enabled phones as quickly as Sprint had forecast and thus had substantial inventory remaining at the end of 2002.¹⁷

5. Sprint stated that, as of December, it was no longer purchasing from manufacturers any new phones that were not GPS-enabled, and that Sprint and its distributors therefore only needed to sell through the currently remaining inventory of non-GPS-enabled phones to meet the 100% activation rate goal.¹⁸ Sprint anticipated that it would sell through its remaining inventory by March 31, 2003, and that its distributors could complete sale of their inventory as early as July 1, 2003.¹⁹ Thus, Sprint requested a six-month extension in the 100% activation deadline to provide it with the flexibility needed to respond to the unexpected downturn in handset sales.²⁰ Sprint argued that providing it with flexibility in this one instance was particularly appropriate in light of Sprint's history of meeting or exceeding all other Phase II deadlines.²¹

6. Sprint also argued that the relief should be granted in the interest of regulatory parity.²² It noted that the requested extension to June 30, 2003 was less than the extension of the same deadline that the Commission had already granted to Sprint's direct competitors.²³ Sprint noted that Verizon Wireless, which also uses an assisted-GPS solution, has been given until December 31, 2003 to achieve the 100% activation goal, and that Nextel has been given until December 1, 2004.²⁴ Sprint argued that carriers in competition should be subject to comparable Phase II deadlines to avoid market distortion.²⁵ Finally, Sprint asserted that the effect on public safety would be minimal because few Public Safety Answering Points (PSAPs) would in any case be able to receive the Phase II information during the six month extension period.²⁶

7. Sprint's request was placed on public notice on January 3, 2003.²⁷ The Commission received supporting comments from T-Mobile USA, Inc. (T-Mobile) and the Cellular

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Docket No. 94-102, at 5 (filed Nov. 1, 2002) (Fourth Quarterly Report) ("Sprint now forecasts that it will not meet the FCC's December 31, 2002 benchmark of 100% GPS activations.").

¹⁶ Sprint Request at 2-3.

¹⁷ Sprint Request at 5-6.

¹⁸ Sprint Request at 5.

¹⁹ *Id.*

²⁰ Sprint Request at 6.

²¹ Sprint Request at 2-3.

²² Sprint Request at 3, 4, n. 13. *See also* Sprint Reply Comments, CC Docket No. 94-102, at (February 3, 2003) (Sprint Reply Comments).

²³ Sprint Request at 3, 4, n.13.

²⁴ Sprint Request at 3, n.10.

²⁵ Sprint Request at 4, n.13.

²⁶ Sprint Request at 3.

²⁷ Public Notice, "Wireless Telecommunications Bureau Seeks Comment On Request By Sprint For Six Month Extension Of Deadline For 100% Location-Capable Handset Activation," CC Docket No. 94-102, DA 03-20 (January 3, 2003).

Telecommunications & Internet Association (CTIA), largely echoing Sprint's arguments.²⁸ In addition, the National Emergency Numbering Association (NENA), although not filing comments, authorized Sprint to state that NENA did not oppose the request.²⁹

8. The Association of Public-Safety Communications Officials-International, Inc. (APCO), also filed comments.³⁰ In its comments, APCO, like NENA, did not oppose the request, but it asserted that the Commission should consider it with "great care."³¹ APCO acknowledged that "Sprint has been a leader in the deployment of wireless E911, and has worked hard to meet the deadlines in the Commission's rules," but cautioned against establishing an overly broad precedent for granting future waiver requests.³² APCO asserted that previous decisions by the Commission to grant waivers had emphasized the need to accommodate factors beyond the carrier's control, such as equipment supply problems.³³ APCO noted that Sprint had not claimed that it would be unable to secure a sufficient supply of location-capable handsets to satisfy the December 31, 2002, requirement.³⁴ APCO also asserted that the purpose of the deadline was to stem the flow of "legacy" non-GPS-enabled handsets into the market, and it disputed Sprint's claim that the impact of the waiver would be minimal, on the grounds that many PSAPs would be ready to implement Phase II service during the lifetime of the newly activated non-GPS-enabled phones.³⁵

9. In its Reply Comments, Sprint again noted that it has led the industry in E911 implementation, and asserted that, as a result, it was not necessary earlier for Sprint to seek relief from the 100% activation deadline that its competitors had received.³⁶ Sprint argued that it would be inappropriate to deny it relief from stricter standards that were a result of its leadership in this area.³⁷ Sprint also argued that, contrary to APCO's assertion, the sudden and unexpected drop in consumer demand for new handsets was a factor beyond its control.³⁸ Sprint argued that the purpose of the deadline, to stem the flow of non-GPS handsets into the market, would still be achieved because Sprint was no longer buying such handsets and that Sprint and its distributors only had to sell out currently existing inventory.³⁹ Further, Sprint argued, a six month extension would be consistent with "firm, fair and consistent enforcement" of the deadline, because its competitors had received even greater extensions of the same deadline.⁴⁰ Sprint noted that, even with the extension, it would still be the first carrier to convert 100% of

²⁸ See T-Mobile USA, Inc. Comments, CC Docket No. 94-102 (January 24, 2003) (T-Mobile Comments); Cellular Telecommunications & Internet Association Comments, CC Docket No. 94-102 (January 24, 2003) (CTIA Comments).

²⁹ Sprint Request at 7; Sprint Reply at 2.

³⁰ APCO Comments, CC Docket No. 94-102 (January 24, 2003) (APCO Comments).

³¹ APCO Comments at 5.

³² APCO Comments at 2.

³³ APCO Comments at 3.

³⁴ *Id.*

³⁵ APCO Comments at 3, 4.

³⁶ Sprint Reply Comments at 3.

³⁷ Sprint Reply Comments at 3-4.

³⁸ Sprint Reply Comments at 4.

³⁹ *Id.*

⁴⁰ Sprint Reply Comments at 5.

its handset lineup to GPS-enabled models.⁴¹

III. DISCUSSION

10. As a general matter, a waiver is only appropriate if special circumstances warrant a deviation from the general rule, and such a deviation will serve the public interest.⁴² Because of the vital public safety benefits of E911 service, the Commission has established a strict and specific set of standards for requests for a waiver of E911 deadlines and obligations.⁴³ The Commission has held that it will only grant waiver requests that are specific, focused, and limited in scope, with a clear path to full compliance.⁴⁴ Further, carriers should undertake concrete steps necessary to come as close as possible to full compliance and should document their efforts aimed at compliance in support of any waiver request.⁴⁵ If deployment is scheduled but for some reason must be delayed, the carrier should specify the reason for the delay and provide a revised schedule.⁴⁶ For the reasons set forth below, we conclude that Sprint's request meets the Commission's strict standards and that the circumstances underlying the request, in sum, present a special case that justifies a limited E911 waiver.⁴⁷

11. We find that Sprint's request is specific, focused, and limited in scope. Sprint requests a partial waiver and extension of only one deadline, the 100% activation rate deadline, and the request is limited to an extension of six months. Further, the request is focused on addressing the specific problem, Sprint's inability to sell through the distribution chain a fixed inventory of non-GPS-enabled handsets because of sales forecasts that turned out to be inaccurate. Sprint seeks only a temporary extension of specified length to allow it to clear out this remaining inventory. We note also that Sprint's current 100% activation rate deadline of December 31, 2002 is not itself the product of a previous waiver, but is rather the deadline originally established in the Commission's rules.⁴⁸ In contrast, other carriers using handset-based solutions have already received extensions of this deadline to address problems specific to their implementation.⁴⁹

12. We also conclude that Sprint has adequately demonstrated that it took concrete steps necessary to come as close as reasonably possible to meeting the deadline. First, aside from the 100% activation rate deadline, Sprint has met all applicable E911 benchmarks, and in particular, all handset-related benchmarks. Sprint met the October 1, 2001 deadline set in the Commission's rules for initial

⁴¹ *Id.*

⁴² 47 C.F.R. § 1.3; *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D. C. Cir. 1990) (citing *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D. C. Cir. 1969)).

⁴³ *Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems*, CC Docket No. 94-102, Fourth Memorandum Opinion and Order, 15 FCC Rcd 17442, 17457-58, paras. 43-44 (2000) (*E911 Fourth Memorandum Opinion and Order*).

⁴⁴ *E911 Fourth Memorandum Opinion and Order*, 15 FCC Rcd at 17458, para. 44.

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ We agree with APCO that the safety impact on consumers is an important consideration in assessing an E911 waiver request. In addressing Sprint's request, however, we find that this concern is implicit in the strictness of the waiver standards established by the Commission. *See supra*, para. 11.

⁴⁸ 47 C.F.R. § 20.18(g)(1)(iv).

⁴⁹ *See, e.g., Verizon Waiver Order*, 16 FCC Rcd at 18378, para. 37; *Nextel Waiver Order*, 16 FCC Rcd at 18289, para. 37.

GPS-enabled handset deployment, the only carrier to do so.⁵⁰ Sprint also met the interim deadline of July 31, 2002 for ensuring that 25% of all new digital handsets activated were location capable.⁵¹

13. Critical to our decision is the fact that the record demonstrates that Sprint took additional steps to increase its proportionate sales of GPS-enabled handsets. Specifically, Sprint states on the record that it subsidized the cost of such handsets and actively promoted their sale to consumers in order to make the more expensive GPS-enabled handsets successfully competitive with the non-GPS-enabled models (and those non-GPS-enabled handsets sold by Sprint's competitors).⁵² By the third quarter of 2002, Sprint introduced a total of 10 different GPS-enabled handsets, and sold over 3.2 million.⁵³ By the end of March, 2003, these numbers had increased to 15 handsets, and over 8.8 million sold.⁵⁴

14. While Sprint did not achieve a 100% GPS-enabled activation rate, it made very substantial progress toward that goal during 2002. This is reflected most strongly in Sprint's sales of GPS-enabled handsets to its distributors (as distinguished from its distributor's sales to actual customers, which are the sales directly reflected by the activation rates). In the second quarter of 2002, 28% of sales to distributors were GPS-enabled.⁵⁵ In the third quarter of 2002, this number almost doubled to 48%.⁵⁶ For the fourth quarter, it reached 66%.⁵⁷ For December of 2002 alone, the number increased to 82%, and, as noted below, reached 97% by the end of March, 2003.⁵⁸ New GPS-enabled handset activation rates lagged behind these figures but they too showed very notable progress over the year. After an 18% GPS-enabled activation rate in the first quarter of 2002, Sprint achieved a 24% rate in the second quarter.⁵⁹

⁵⁰ Sprint Request at 3; 47 C.F.R. § 20.18(g)(1)(i). We note again that most carriers that have chosen handset-based solutions received waivers and extensions of the October 1, 2001 deadline for offering a location-capable handset. See, e.g., *Verizon Waiver Order*, 16 FCC Rcd at 18378, para. 37 (October 1, 2001 deadline extended to December 31, 2001); *Nextel Waiver Order*, 16 FCC Rcd at 18289, para. 37 (deadline extended to October 1, 2002). For Sprint, however, which had stated that it expected to meet the October 1, 2001 deadline, the Commission left the deadline in place. *Sprint Waiver Order*, 16 FCC Rcd at 18333, 18341, paras. 11, 33.

⁵¹ The *Sprint Waiver Order*, in addition to setting the July 31, 2002 deadline for a 25% activation rate, also clarified that Sprint would be in compliance with this requirement if "Sprint would demonstrate that at least 25 percent of the new handsets it activated during the period between July 31, 2002 and December 31, 2002 were A-GPS-capable." See *Sprint Waiver Order*, 16 FCC Rcd at 18341, para. 34. Sprint states that the percentage of GPS-enabled activations over the period between July 31, 2002 and December 31, 2002 was well in excess of 25%. This assertion is supported by the record and is undisputed by the commenters. Sprint has therefore demonstrated compliance with the 25% activation rate deadline.

⁵² *Id.*; Fourth Quarterly Report at 5. Sprint states in its request that it is currently not advertising the GPS-capabilities of these handsets because it is concerned that such advertising might lead to inaccurate customer expectations about location-capability. Sprint Request at 3. Sprint has offset this handicap by offering GPS-enabled phones with other new features that help to make them attractive to consumers, notably the inclusion of "3G" functionality. See Second Quarterly Report at 14 ("[A]lthough the economy has slowed considerably, Sprint remains hopeful that its launch of its 3G network will entice millions of customers to upgrade their existing handset to a 3G handset – and one that will also include GPS functionality.").

⁵³ Fourth Quarterly Report at Summary.

⁵⁴ See Sprint Corporation Quarterly E911 Implementation Report, CC Docket No. 94-102 (filed February 1, 2003) (Fifth Quarterly Report), at 7; Sprint Corporation Quarterly E911 Implementation Report, CC Docket No. 94-102, at 8 (filed May 1, 2003) (Sixth Quarterly Report).

⁵⁵ Fourth Quarterly Report at 5.

⁵⁶ *Id.*

⁵⁷ Fifth Quarterly Report at 7.

⁵⁸ Sprint Reply Comments at 3; see also, *infra*, para. 16; Sixth Quarterly Report at 8.

⁵⁹ Second Quarterly Report at 14; Fourth Quarterly Report at 13.

Although the GPS-enabled activation rate dropped in the third quarter to 22% (notwithstanding the fact that Sprint was sending a much higher percentage of GPS-enabled phones to its distributors), Sprint rebounded in the fourth quarter, achieving a 50% rate overall and a 62% GPS-enabled activation rate in December.⁶⁰

15. Sprint has also taken concrete steps necessary to continue this trend and achieve the 100% activation rate. Specifically, and central to our decision here, Sprint indicated in its waiver request that it had already ceased purchasing any non-GPS-enabled phones from its manufacturers, guaranteeing that a 100% activation rate would be achieved once existing inventory was cleared.⁶¹ Sprint anticipated that it would have its own inventory sold out to its distributors by March 1, 2003.⁶² In its most recent report, filed May 1, 2003, Sprint states that, in the month of March, 97% of handset sales to distributors and 80% of activations were GPS-enabled.⁶³ These interim achievements demonstrate that Sprint continued in 2003 to make steady and rapid progress toward meeting the ultimate 100% activation rate. In particular, they support the conclusion that, by a date very close to Sprint's expectations, it eliminated non-GPS-enabled handsets from two out of three stages of the distribution process: purchases from the manufacturer and sales to the distributor. Given Sprint's demonstration of good-faith efforts, we find these unique circumstances justify specific and limited relief.

16. Further, Sprint's implementation of E911 Phase II demonstrates a general pattern of diligence, in that it has met or exceeded the Commission's other E911 Phase II deadlines and requirements. Sprint achieved conversion of its Lucent switches on March 6, 2002, almost three months before its May 30, 2002 deadline, and converted all of its Nortel switches by June 14, 2002, again comfortably before the applicable deadline of August 1, 2002.⁶⁴ Sprint states that its E911 service has also met the Commission's accuracy standards for handset models.⁶⁵ Sprint further states that it was the first carrier to launch an operational handset-based Phase II system, covering Rhode Island.⁶⁶ Our decision recognizes that Sprint has outperformed other national carriers in many respects in deploying E911. Finally, we note that, while the requested extension of the 100% activation deadline will bring Sprint closer to the deadlines imposed on its competitors, Sprint will still reach this goal six months prior

⁶⁰ See Fourth Quarterly Report at 2; Fifth Quarterly Report at 2; Sprint Reply Comments at 3. As noted above, Sprint's activation rates over the period between July 31, 2002 and December 31, 2002 are sufficient to satisfy the 25% activation deadline of July 31, 2002. See, *infra*, n. 48.

⁶¹ The Sprint Request, filed on December 20, 2002, specifies that Sprint "has ceased purchasing non-GPS-enabled handsets." Sprint Request at 5. Thus, the record demonstrates that Sprint ceased purchasing non-GPS-enabled handsets at some time prior to December 20, 2002. Sprint does not state exactly when it ceased purchasing these handsets, however.

⁶² Sprint Request at 5.

⁶³ Sixth Quarterly Report at 8.

⁶⁴ Fourth Quarterly Report at 12.

⁶⁵ Fifth Quarterly Report at 9. As noted above, the Commission's rules require that handset-based location solutions must be able to provide the location of the caller within 50 meters for 67 percent of calls and 150 meters for 95 percent of calls. 47 C.F.R. § 20.18(h)(2).

⁶⁶ Sprint Request at 4. See also Dennis K. Berman, "Rhode Island Becomes First State to Deploy Wireless Tracking Technology, Called e911," Wall St. J., Dec. 11, 2001, at B4 ("For now, such capabilities will be available only on certain Sprint PCS phones"); Lisa Marie Pane, "Rhode Island to launch technology to pinpoint cell phone emergencies," Associated Press Newswires, Dec. 7, 2001 ("Only one cell-phone provider – Sprint PCS – is selling a phone that has the capability to send the right signals so dispatchers can pick up a location. . . . [A] New England spokesman for Sprint PCS . . . said the company has service across the entire . . . state."); "The second phase of implementing Enhanced 911 was supposed to be in place by Oct. 1, but so far, only Sprint PCS has gotten up to speed by then."). Since that initial deployment, and as of the end of the first quarter of 2003, Sprint has launched Phase II service in fifteen states, covering 202 PSAPs. See Sixth Quarterly Report at Appendix E.

to the deadline set for Verizon Wireless and eighteen months before the deadline set for Nextel.⁶⁷

17. We find that Sprint has also presented a clear path to full compliance. Sprint requests a waiver limited to six months, at which time a 100% activation rate must be achieved.⁶⁸ Sprint has also demonstrated that it has taken the steps needed to achieve this goal. As noted above, Sprint ceased purchasing non-GPS phones from manufacturers by December, and Sprint and its distributors need only to sell out this existing inventory.⁶⁹

18. In view of all of these factors and circumstances unique to Sprint's request, we conclude that Sprint's request presents a special case that warrants a waiver. In granting this relief, we note that Sprint must still meet the goal of ensuring that 95% of its customers have GPS-enabled handsets by December 31, 2005. Thus, the ultimate 2005 obligation of 95% Phase II penetration for all customers does not change. We have only modified, for a limited period of time, an interim goal for activation rates among new customers.⁷⁰

IV. ORDERING CLAUSE

19. Accordingly, IT IS ORDERED that the request by Sprint Corporation, on behalf of Sprint Spectrum, L.P., d/b/a Sprint PCS, for a temporary waiver of Section 20.18(g)(1)(i) of the Commission's rules, 47 C.F.R. § 20.18(g)(1)(i), and a six month extension of the deadline to ensure that 100% of new digital handsets activated are location-capable is GRANTED.

Federal Communications Commission

Marlene H. Dortch
Secretary

⁶⁷ *Verizon Waiver Order*, 16 FCC Rcd at 18378, para. 37 (granting extension of deadline for 100% activation rate to December 31, 2003); *Nextel Waiver Order*, 16 FCC Rcd at 18289, para. 37 (extension to December 1, 2004).

⁶⁸ We note that, in its request, Sprint leaves open the possibility that its distributors will not have sold out their inventory by the end of the extension period. Sprint Request at 5. However, we view Sprint's six month extension request as reflecting a commitment to achieve the 100% activation rate goal in that time, and grant the request on that basis.

⁶⁹ Sprint Request at 5.

⁷⁰ See *Nextel Waiver Order*, 16 FCC Rcd at 18285, para. 24 ("[T]he effects of the delay in A-GPS handset deployment [by extending the 100% activation rate deadline] are mitigated to a substantial degree by the fact that the final deadline, the requirement that 95 percent of all customer phones have location capability no later than December 31, 2005, continues in effect. Thus, the delay in initial deployment, while not desirable, should have only short-term and limited effects, and does not affect the long-term responsibilities of Nextel.").